

To: CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Tue 11/6/2012 6:09:23 PM
Subject: Corps Interpretation of May 3 "concurrence" letter - SAVE
<http://www.epa.gov/sfbaydelta>
<http://per2.nwp.usace.army.mil/survey.html>
<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>
<mailto:Foresman.Erin@epamail.epa.gov>
<http://www.epa.gov/sfbaydelta>
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Tom Hagler
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street, RC-2
San Francisco, California 94105-3901
Phone: (415) 972-3945
Email: hagler.tom@epamail.epa.gov

-----Forwarded by Tom Hagler/R9/USEPA/US on 11/06/2012 10:08AM -----
To: Tom Hagler/R9/USEPA/US@EPA
From: Erin Foresman/R9/USEPA/US
Date: 10/19/2012 04:05PM

Subject: Fw: latest on BDCP Purpose and Need (UNCLASSIFIED)

Erin Foresman
Environmental Scientist & Policy Coordinator,
US EPA Region 9 C/O National Marine Fisheries Service
650 Capitol Mall Suite 5-100, Sacramento, CA 95814
Phone: (916) 930 3722

<http://www.epa.gov/sfbaydelta>

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----- Forwarded by Erin Foresman/R9/USEPA/US on 10/19/2012 04:11 PM -----

From: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>
To: Erin Foresman/R9/USEPA/US@EPA,
Date: 10/19/2012 02:37 PM
Subject: RE: latest on BDCP Purpose and Need (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

I think they mean the third paragraph of the May 3rd letter; for each of the individual projects...

Our interpretation was the alternatives for each permit application would be within the BDCP EIS range of alternatives/analysis; their interpretation is there would be no alternatives evaluated for permit applications for things specified in the final BDCP and we'd just do avoidance/minimization.

Michael G. Nepstad
Deputy Chief, Regulatory Division
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922
(916) 557-7262
michael.g.nepstad@usace.army.mil

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-----Original Message-----

From: Foresman.Erin@epamail.epa.gov [mailto:Foresman.Erin@epamail.epa.gov]

Sent: Friday, October 19, 2012 2:36 PM

To: Nepstad, Michael G SPK

Subject: RE: latest on BDCP Purpose and Need (UNCLASSIFIED)

Hey Mike,

Oh, sorry, I got the part you put in the message below. But I was wondering which parts of the Corps letters DWR thinks supports (or requires) putting that phrase back into the letter.

We still feel it is best to delete that phrase. Let's chat next week??

Erin Foresman

Environmental Scientist & Policy Coordinator,

US EPA Region 9 C/O National Marine Fisheries Service

650 Capitol Mall Suite 5-100, Sacramento, CA 95814

Phone: (916) 930 3722

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From: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>

To: Erin Foresman/R9/USEPA/US@EPA,

Date: 10/19/2012 02:20 PM

Subject: RE: latest on BDCP Purpose and Need (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

What they want back in the the second half of first sentence to overall purpose. So they want "The overall purpose of the project is to construct and operate modifications and improvements to the state water project facilities in the delta as set forth in the water operations and conveyance conservation measure 1 component of the bay delta conservation plan...."

After much discussion between corps and epa, we felt it best to delete "as set forth in the water operations and conveyance conservation measure 1 component of the bay delta conservation plan." DWR wants it back in.

Michael G. Nepstad

Deputy Chief, Regulatory Division

US Army Corps of Engineers, Sacramento District

1325 J Street, Room 1350
Sacramento, California 95814-2922
(916) 557-7262
michael.g.nepstad@usace.army.mil

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-----Original Message-----

From: Foresman.Erin@epamail.epa.gov
[mailto:Foresman.Erin@epamail.epa.gov <mailto:Foresman.Erin@epamail.epa.gov>]
Sent: Friday, October 19, 2012 12:57 PM
To: Nepstad, Michael G SPK; Hagler.Tom@epamail.epa.gov
Subject: Re: latest on BDCP Purpose and Need (UNCLASSIFIED)

Hi Mike,

Thank you for this message and sending the previous letters so it's all in one spot. Do you know what exact language or sentences DWR is referring to when they say that these letters require leaving in the statement "as set forth in the Water Operations ..." in the proposed CWA Section 404 Overall Purpose statement for the Delta Conveyance? I'm thinking you'll find that out when you meet with them but just in case you know already, I thought I'd ask. It isn't clear to me when I reread the letters. I'm in the office next week, please get in touch to discuss this if I can either help with anything (e.g., I can pull together all the guidance that directs us not to identify the preferred project in the project purpose statement) or if you think the Corps is reconsidering eliminating that phrase from the overall project purpose statement.

Have a great weekend,
Erin

Erin Foresman
Environmental Scientist & Policy Coordinator,
US EPA Region 9 C/O National Marine Fisheries Service
650 Capitol Mall Suite 5-100, Sacramento, CA 95814
Phone: (916) 930 3722

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<<http://www.epa.gov/sfbaydelta> <<http://www.epa.gov/sfbaydelta>> >

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From: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>
To: Erin Foresman/R9/USEPA/US@EPA, Tom Hagler/R9/USEPA/US@EPA,
Date: 10/19/2012 09:30 AM
Subject: latest on BDCP Purpose and Need (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

DWR position is that the letters we wrote on P&N require that we leave in the statement on "as set forth in the Water Operations..." MJ and I will discuss on Thursday with them.

Michael G. Nepstad
Deputy Chief, Regulatory Division
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922
(916) 557-7262
michael.g.nepstad@usace.army.mil

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Classification: UNCLASSIFIED
Caveats: NONE

[attachment "BDCP Purpose and Need Letter from May 3, 2012.pdf" deleted by Erin Foresman/R9/USEPA/US]
[attachment "Letter to Mark Cowin on BDCP Purpose Statements.pdf" deleted by Erin Foresman/R9/USEPA/US]
[attachment "BDCP-Section 404-OPP-082212_Corps response.docx" deleted by Erin Foresman/R9/USEPA/US]

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